

1 AN ACT in relation to civil procedure.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 adding Sections 2-801.5, 2-801.6, and 2-807 as follows:

6 (735 ILCS 5/2-801.5 new)

7 Sec. 2-801.5. Dismissal involving State agency
8 jurisdiction.

9 (a) This Section applies only to a civil action in
10 which:

11 (1) a claimant seeks recovery of damages on behalf
12 of a class of claimants; and

13 (2) the interpretation, application, or violation
14 of a State agency rule is involved for at least one
15 defendant.

16 (b) A court must dismiss an action unless the court
17 determines that:

18 (1) the interpretation, application, or violation
19 of a State agency rule involves only questions of law;
20 and

21 (2) the State agency may not make any findings of
22 fact or conclusions of law or issue any orders that would
23 aid the court in resolving the action.

24 (c) A court may dismiss an action if the court
25 determines that a State agency may order in a contested case
26 as defined in Section 1-30 of the Illinois Administrative
27 Procedure Act all or part of the relief the claimant seeks.
28 The court must specify in its order of dismissal the State
29 agency and the portion of the State agency rule on which the
30 court bases its order.

31 (d) A court that dismisses an action under this Section:

1 (1) must refer specific issues or claims within the
2 State agency's jurisdiction to the State agency for
3 action; and

4 (2) may direct the State agency to report to the
5 court periodically concerning the disposition of the
6 matters referred to the State agency.

7 (e) The statute of limitations for an action dismissed
8 under this Section is tolled for the period during which the
9 claimant seeks an administrative remedy.

10 (f) The court must provide that the period of dismissal
11 is at least 6 months from the date the court enters the order
12 of dismissal, or any other reasonable time as the court may
13 determine.

14 (g) Relief awarded to a claimant may be adequate even if
15 the relief does not include exemplary damages, multiple
16 damages, attorney's fees, or court costs.

17 (h) In a civil action brought against a regulated entity
18 doing business in this State for harm allegedly caused by an
19 activity or practice engaged in by that entity, there is a
20 rebuttable presumption that the entity or its agents, or
21 both, are not liable if, at the time the act giving rise to
22 the complaint took place, the entity had received the
23 explicit or implicit approval of the regulatory authority
24 charged with overseeing that entity to engage in the activity
25 or practice at issue, or the entity has complied with all
26 applicable statutory and regulatory requirements relating to
27 the practice or activity at issue, including but not limited
28 to, rules, regulations and bulletins.

29 (735 ILCS 5/2-801.6 new)

30 Sec. 2-801.6. Stay of proceedings. In any civil action
31 in which class certification is being sought, all discovery
32 and other proceedings are stayed during the pendency of any
33 motion to dismiss, unless the court finds, upon the motion of

1 any party, that particularized discovery is necessary to
2 preserve evidence or to prevent undue prejudice to that
3 party.

4 (735 ILCS 5/2-807 new)

5 Sec. 2-807. Waiver of appeal bond.

6 (a) The State supersedes bond requirements are waived
7 as to that portion of any civil award for damages that
8 exceeds \$1 if the party or parties found liable seek a stay
9 of enforcement of the judgment during the appeal.

10 (b) If the party seeking the appeal is a small business
11 organized and doing business under the laws of this State,
12 the State supersedes bond requirements are waived as to that
13 portion of any civil award for damages that exceeds \$1 while
14 any appeals are pending. In this subsection (b), "small
15 business" means a business that has 50 or fewer employees and
16 annual revenues of \$5,000,000 or less.

17 (c) If the plaintiff proves by a preponderance of the
18 evidence that a party bringing an appeal, for whom the
19 supersedes bond requirement has been waived, is purposefully
20 dissipating its assets or diverting assets outside the
21 jurisdiction of the United States courts, waiver must be
22 rescinded and the bond requirement reinstated for the full
23 amount of the judgment.

24 (d) A court may otherwise waive the filing of a
25 supersedes bond in a civil action for good cause shown.

26 Section 90. Applicability. The changes made by this
27 amendatory Act of the 92nd General Assembly apply to all
28 actions pending on or commenced on or after the effective
29 date of this amendatory Act of the 92nd General Assembly.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.